

**CITY OF CARMEL - CLAY TOWNSHIP
HAMILTON COUNTY, INDIANA**

APPLICATION FOR BOARD OF ZONING APPEALS ACTION

SPECIAL EXCEPTION APPROVAL REQUEST

Fee 1,389.00, plus \$111.00 per acre

DOCKET NO. _____ DATE RECEIVED: _____

1) Applicant: _____

Address: _____

2) Project Name: _____ Phone & Fax: _____

Engineer/Architect: _____ Phone: _____

Attorney: _____ Phone: _____

3) Applicant's Status: (Check the appropriate response)

_____ (a) The applicant's name is on the deed to the property

_____ (b) The applicant is the contract purchaser of the property

_____ (c) Other: _____

4) If Item 3) (c) is checked, please complete the following:

Owner of the property involved: _____

Owner's address: _____ Phone: _____

5) Record of Ownership:

Deed book No./Instrument No. _____

Page: _____ Purchase Date: _____

6) Common address of the property involved: _____

Legal description: _____

Tax Map Parcel No.: _____

7) State explanation of requested Special Exception:

8) State reasons supporting the Special Exception: (Additionally, complete the attached question sheet entitled "Findings of Fact-Special Exception").

- 9) Present zoning of the property (give exact classification): _____
- 10) Present use of the property: _____
- 11) Size of lot/parcel in question: _____ acres
- 12) Describe the proposed use of the property: _____
- _____
- _____

- 13) Is the property: Owner occupied _____
 Renter occupied _____
 Other _____

- 14) Are there any restrictions, laws, covenants, variances, special uses, or appeals filed in connection with this property that would relate or affect its use for the specific purpose of this application? If yes, give date and docket number, decision rendered and pertinent explanation.
- _____
- _____
- _____

- 15) Has work for which this application is being filed already started? If answer is yes, give details:

Building Permit Number: _____

Builder: _____

- 16) If proposed special exception is granted, when will the work commence? _____

- 17) If the proposed special exception is granted, who will operate and/or use the proposed improvement for which this application has been filed?
- _____

NOTE:

LEGAL NOTICE shall be published in the Indianapolis Star a MANDATORY twenty-five (25) days prior to the public hearing date. The certified "Proof of Publication" affidavit for the newspaper must be available for inspection the night of the hearing.

LEGAL NOTICE to all adjoining and abutting property owners is also MANDATORY, two methods of notice are recommended:

1) CERTIFIED MAIL - RETURN RECEIPT REQUESTED sent to adjoining property owners. (The white receipt should be stamped by the Post Office at least twenty-five (25) days prior to the public hearing date.)

2) HAND DELIVERED to adjoining and abutting property owners (A receipt signed by the adjoining and abutting property owner acknowledging the twenty-five (25) day notice should be kept for verification that the notice was completed)

REALIZE THE BURDEN OF PROOF FOR ALL NOTICES IS THE RESPONSIBILITY OF THE APPLICANT. AGAIN, THIS TASK MUST BE COMPLETED AT LEAST TWENTY-FIVE (25) DAYS PRIOR TO PUBLIC HEARING DATE.

The applicant understands that docket numbers will not be assigned until all supporting information has been submitted to the Department of Community Services.

ADJACENT PROPERTY OWNERS LIST

The applicant certifies by signing this application that he/she has been advised that all representations of the Department of Community Development are advisory only and that the applicant should rely on appropriate subdivision and zoning ordinance and/or the legal advice of his/her attorney.

I, _____, Auditor of Hamilton County, Indiana, certify that the attached affidavit is a true and complete listing of the adjoining and adjacent property owners concerning Docket No. _____.

OWNERADDRESS

EXAMPLE ONLY:

Formal list request sheet & official list may be acquired from the Hamilton County Auditor's Office (776-8401).

Auditor of Hamilton County, Indiana

AFFIDAVIT

I, hereby swear that I am the owner/contract purchaser of property involved in this application and that the foregoing signatures, statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I, the undersigned, authorize the applicant to act on my behalf with regard to this application and subsequent hearings and testimony.

Signed: _____

(Property Owner, Property Owner's Attorney (Date)
or Property Owner's Power of Attorney)

(Please Print)

STATE OF INDIANA

SS:

County of _____ Before me the undersigned, a Notary Public
(County in which notarization takes place)

for _____ County, State of Indiana, personally appeared
(Notary Public's county of residence)

_____ and acknowledge the execution of the foregoing instrument
(Property Owner, Attorney, or Power of Attorney)

this _____ day of _____, 20_____

Notary Public--Signature

(SEAL)

(SEAL)

Notary Public--Please Print

My commission expires: _____

**NOTICE OF PUBLIC HEARING BEFORE THE
CARMEL BOARD OF ZONING APPEALS**

Docket No. _____

Notice is hereby given that the Carmel/Clay Board of Zoning Appeals meeting on the _____ of
_____, 20_____ at _____ p.m. in the City Council Chambers, 2nd floor
of City Hall, One (1) Civic Square, Carmel, Indiana 46032 will hold a Public Hearing upon a Special Exception application
to _____

property being known as _____.

The application is identified as Docket No. _____.

The real estate affected by said application is described as follows:

(Insert Legal Description)

All interested persons desiring to present their views on the above application, either in writing or verbally, will be given
an opportunity to be heard at the above-mentioned time and place.

PETITIONERS

**PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING
CARMEL/CLAY BOARD OF ZONING APPEALS**

I (WE) _____ DO HEREBY CERTIFY THAT A LEGAL
(Petitioner's Name)
NOTICE OF PUBLIC HEARING BEFORE THE CARMEL/CLAY BOARD OF ZONING APPEALS CONSIDERING
DOCKET NUMBER _____, WAS GIVEN AT LEAST TWENTY-FIVE (25)* DAYS PRIOR
TO THE DATE OF THE PUBLIC HEARING TO THE BELOW LISTED OF ADJOINING AND ABUTTING PROPERTY
OWNERS:

OWNER

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

STATE OF INDIANA

SS:

The undersigned, swear that the above information is in all respects is true and correct to the best of my knowledge and belief.

Signature of Petitioner

County of _____ Before me the undersigned, a Notary Public
(County in which notarization takes place)

for _____ County, State of Indiana, personally appeared
(Notary Public's county of residence)

_____ and acknowledge the execution of the foregoing instrument
(Property Owner, Attorney, or Power of Attorney)

this _____ day of _____, 20_____.

Notary Public--Signature

(SEAL)

Notary Public--Please Print

My commission expires: _____

*10 days notice for a BZA Hearing Officer meeting.

CARMEL/CLAY BOARD OF ZONING APPEALS
Carmel, Indiana

Docket No. : _____

Petitioner: _____

FINDINGS OF FACT - SPECIAL EXCEPTION (Ballot Sheet)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

DATED THIS _____ DAY OF _____, 20 ____.

Board Member

**CARMEL/CLAY BOARD OF ZONING APPEALS
CARMEL, INDIANA**

Docket No.: _____

Petitioner: _____

FINDINGS OF FACT - SPECIAL EXCEPTION

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, in relation to Ordinance, Section 21.3 (1-25) concerning the special exception because:

2. The use and value of the area adjacent to the premises under consideration will not be affected in a substantially adverse manner because:

3. The need for the special exception arises from the applicant's responsibility to provide public utility service, and not from any condition peculiar to the premises under consideration because:

4. It will constitute an unnecessary hardship for the applicant if the special exception is denied, in that there are no existing or approved towers or other structures in the vicinity of the premises under consideration which would be suitable for the collation of the equipment that the applicant needs to locate in such vicinity, having regard to the following factors
 - (a) Whether the needed equipment would exceed the structural capacity of such existing or approved towers or structures, as documents by a qualified professional engineer, and whether such towers or structures could be reinforced, modified, or replaced to accommodate the needed or equivalent equipment at a reasonable cost
 - (b) Whether the needed equipment would cause interference materially impacting the usability of existing or planned equipment at such existing or approved towers or structures, as documented by a qualified professional engineer, and whether such interference could be prevented at a reasonable cost

(Please attach appropriate statements)

5. The approval of the special exception does not interfere substantially with the Comprehensive Plan, in that there are no alternative sites suitable (having regard to the factors listed above in item 4 for the equipment that the applicant needs to locate in the vicinity which are located either in Business, Industrial, or Manufacturing Districts, or on property outside of the jurisdiction or otherwise exempt from the requirements and procedures of the Zoning Ordinance because:

6. The Board has reviewed the requirements of Ordinance, Section 21.4.2 as they relate to this Special Exception, and does not find that those criteria prevent the granting of the Special Exception:

DECISION

IT IS THEREFORE the decision of the Carmel/Clay Board of Zoning Appeals that Special Exception Docket Number _____ is granted, subject to any conditions stated in the minutes of this Board, which are incorporated herein by reference and made a part hereof.

Adopted this _____ day of _____, 20 ____.

CHAIRPERSON, Carmel/Clay Board of Zoning Appeals

SECRETARY, Carmel/Clay Board of Zoning Appeals

Conditions of the Board are listed on the back.
(Petitioner or his representative to sign).